



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 3

GENERAL PROVISION

Interpretation

66 Airports

- (1) In this Part “airport” means an aerodrome within the meaning of the Civil Aviation Act 1982 together with other land, buildings and structures used for the purposes of—
- (a) the landing and taking off of aircraft at the aerodrome,
 - (b) the manoeuvring, parking or servicing of aircraft between landing and take-off at the aerodrome,
 - (c) the arrival or departure of persons carried or to be carried as passengers by air transport services operating to or from the aerodrome, together with their baggage,
 - (d) the arrival or departure of cargo carried or to be carried by such services,
 - (e) the processing of such persons, baggage and cargo between their arrival and departure, and
 - (f) the arrival or departure of persons who work at the airport.
- (2) Section 67 makes further provision about what is and is not included in an airport for the purposes of this Part.
- (3) The Secretary of State may by regulations provide that, for the purposes of this Part, land, buildings and other structures specified in the regulations, or of a description specified in the regulations, are or are not—

Status: This is the original version (as it was originally enacted).

- (a) part of an airport, or
 - (b) part of the core area of an airport.
- (4) The regulations may, in particular—
- (a) modify subsection (1)(a) to (f) and section 67, and
 - (b) modify the definition of the core area of an airport in section 5.
- (5) In this section “modify” includes amend or repeal.

67 Airports: supplementary

- (1) An airport includes, in particular—
- (a) a passenger terminal,
 - (b) the forecourt of a passenger terminal,
 - (c) a qualifying car park,
 - (d) a cargo processing area,
 - (e) land, buildings and other structures used for air traffic services, and
 - (f) land, buildings and other structures used for the purposes of transferring passengers, baggage or cargo—
 - (i) between passenger terminals or cargo processing areas that form part of the airport, or
 - (ii) between such terminals or areas and aircraft using the airport,
- subject to the following provisions of this section.
- (2) The forecourt of a passenger terminal includes an area that—
- (a) is used by road vehicles to pick up or drop off passengers using the terminal, and
 - (b) has pedestrian access to the terminal,
- other than a car park, bus station, tram station or railway station.
- (3) A car park is a qualifying car park if—
- (a) it is part of a passenger terminal that forms part of the airport, or
 - (b) it has pedestrian access to such a terminal.
- (4) An airport does not include a hotel, unless it is situated in a passenger terminal that forms part of the airport.
- (5) An airport does not include a bus station, tram station or railway station.
- (6) For the purposes of section 66(1) when a person arrives at, or departs from, an airport other than in an aircraft the person’s arrival or departure takes place on arrival at or departure from—
- (a) a passenger terminal that is part of the airport,
 - (b) the forecourt of such a terminal, or
 - (c) a qualifying car park that is part of the airport.
- (7) For the purposes of section 66(1)—
- (a) when cargo arrives at an airport other than in an aircraft its arrival takes place when it is first unloaded from the vehicle in which it arrives, and
 - (b) when cargo departs from an airport other than in an aircraft its departure takes place when it is loaded on to the vehicle in which it is to depart.

Status: This is the original version (as it was originally enacted).

- (8) For the purposes of sections 5(4) and 66(1) the servicing of aircraft between landing and take-off at the aerodrome includes—
- (a) the supply of fuel, and
 - (b) the repair, maintenance and overhaul of aircraft that land at the aerodrome.

68 Airport operation services

- (1) In this Part “airport operation services” means services provided at an airport for the purposes of—
- (a) the landing and taking off of aircraft,
 - (b) the manoeuvring, parking or servicing of aircraft,
 - (c) the arrival or departure of passengers and their baggage,
 - (d) the arrival or departure of cargo,
 - (e) the processing of passengers, baggage or cargo between their arrival and departure, or
 - (f) the arrival or departure of persons who work at the airport.
- (2) Section 67(6) to (8) apply for the purposes of subsection (1) as they apply for the purposes of section 66(1).
- (3) “Airport operation services” include, in particular, the provision at an airport of—
- (a) groundhandling services described in the Annex to Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (as amended from time to time),
 - (b) facilities for car parking, and
 - (c) facilities for shops and other retail businesses.
- (4) “Airport operation services” do not include—
- (a) air transport services,
 - (b) air traffic services, or
 - (c) services provided in shops or as part of other retail businesses.
- (5) For the purposes of this Part—
- (a) “airport operation services” include permitting a person to access or use land that forms part of an airport or facilities at an airport for a purpose described in subsection (1)(a) to (f), and
 - (b) a person who permits another to access or use land that forms part of an airport area, or facilities in an airport area, for such a purpose is to be treated as providing airport operation services in that area.
- (6) The Secretary of State may by regulations provide that, for the purposes of this Part, services are or are not to be treated as airport operation services.
- (7) The regulations may, in particular, modify subsections (1) to (5).
- (8) In this section “modify” includes amend or repeal.

69 Air transport services

- (1) In this Part—

Status: This is the original version (as it was originally enacted).

“air transport service” means a service for the carriage by air of passengers or cargo to or from an airport in the United Kingdom;

“provider”, in relation to an air transport service, means a person who has the management of the aircraft used to provide the service;

“user”, in relation to an air transport service, means a person who—

- (a) is a passenger carried by the service, or
- (b) has a right in property carried by the service.

- (2) In this Part references to users of air transport services include future users of such services.

70 Joint operators of areas

- (1) Two or more persons are joint operators of an airport area where they jointly have overall responsibility for the management of all of the area.
- (2) Regulations under section 9 may include provision about when two or more persons are or are not to be treated for the purposes of this Part as jointly having such responsibility.
- (3) The CAA’s power under section 10 to make a determination includes power to determine whether, in a particular case, two or more persons have such responsibility.
- (4) The Secretary of State may by regulations provide that, where there are joint operators of an airport area, the provisions of Chapters 1 and 3 of this Part (other than this section) apply in relation to the operators and the area with the modifications specified in the regulations.

71 Connected persons

- (1) For the purposes of this Part one person is connected with another if they are group undertakings in relation to each other.
- (2) “Group undertaking” has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).
- (3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Part, including provision amending or otherwise modifying subsections (1) and (2).

72 Minor definitions and index

- (1) In this Part—
 - “air traffic services” has the same meaning as in Part 1 of the Transport Act 2000 (see section 98 of that Act);
 - “airport operator” means a person who is the operator of an area that consists of or forms part of an airport;
 - “the CAA” means the Civil Aviation Authority;
 - “cargo” includes mail;
 - “change of circumstances” includes the discovery that information is false or misleading in a material respect;
 - “conduct” includes a failure to act and unintentional conduct;

Status: This is the original version (as it was originally enacted).

“contravention” includes a failure to comply and related expressions are to be interpreted accordingly;

“contravention notice” has the meaning given in section 31(1);

“document” means anything in which information is recorded;

“enforcement order” has the meaning given in section 33(1);

“international obligation of the United Kingdom” includes—

- (a) an EU obligation, and
- (b) an obligation that arises or may arise under an international agreement or arrangement to which the United Kingdom is a party;

“land” includes land covered by water;

“licence” means a licence under Chapter 1 of this Part and includes a licence which has been granted under section 15 but has not come into force;

“market power determination” has the meaning given in section 7(1);

“modifying”, in relation to a licence condition, means adding, removing or altering a licence condition and related expressions are to be interpreted accordingly;

“representation” includes objection;

“urgent enforcement order” has the meaning given in section 35(1).

- (2) References in this Part to providing a service, however expressed, include providing a facility (and related expressions are to be interpreted accordingly).
- (3) References in this Part to a building or other structure are to any building or structure, whether above or below ground.
- (4) References in this Part to a notice are to a notice in writing.
- (5) References in this Part to remedying the consequences of a contravention of a licence condition or requirement include paying an amount to a person—
 - (a) by way of compensation for loss or damage suffered by the person, or
 - (b) in respect of annoyance, inconvenience or anxiety suffered by the person.
- (6) Schedule 7 (index of defined expressions) has effect.

Other general provision

73 Regulations

- (1) Regulations under this Part—
 - (a) may make different provision for different cases,
 - (b) may make provision generally or only for particular cases, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under the following provisions is subject to annulment in pursuance of a resolution of either House of Parliament—
 - (a) section 28(9);
 - (b) section 77;
 - (c) paragraph 33 of Schedule 2;

Status: This is the original version (as it was originally enacted).

(d) paragraph 6 of Schedule 6.

- (4) A statutory instrument containing other regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

74 Publication and production of documents

- (1) Where a person is required to publish something by this Part, the person must publish it in such form and manner as the person considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (2) A person to whom a document is produced under this Part may take copies of the document.

75 Sending documents

- (1) A document required or authorised by this Part to be sent to a person may be sent—
- (a) by delivering it to the person or by leaving it at the person's proper address or by sending it by post to the person at that address,
 - (b) if the person is a body corporate, by sending it in accordance with paragraph (a) to the secretary of the body or to any other person authorised to receive the document on behalf of the body, or
 - (c) if the person is a partnership, by sending it in accordance with paragraph (a) to a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person to whom a document is to be sent is the person's last known address, except that—
- (a) if the person is a body corporate, it is the address of the registered or principal office of the body, and
 - (b) if the person is a partnership or a partner or a person having the control or management of the partnership business, it is the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to whom a document is to be sent by another person under this Part has specified to that other person an address within the United Kingdom other than the proper address (as determined under subsection (2)) as the one to which documents of the same description as the document should be sent.
- (5) In relation to that document, that address must be treated as the person's proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to a document if rules of court make provision about how or where it should be sent.

- (7) In this section references to sending include references to similar expressions (such as giving).

76 Minor, consequential and transitional provision

- (1) Part 4 of the Airports Act 1986 (economic regulation of airports) is repealed.
- (2) Part 4 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (economic regulation of airports) is revoked.
- (3) Schedule 8 (status of airport operators as statutory undertakers etc) has effect.
- (4) Schedule 9 (regulation of operators of dominant airports: consequential provision) has effect.
- (5) Schedule 10 (regulation of operators of dominant airports: transitional provision) has effect.

77 Crown application

- (1) Chapter 2 of this Part binds the Crown to the extent that it applies or modifies provisions of the Competition Act 1998, subject to section 73 of that Act.
- (2) The following provisions of this Part bind the Crown—
 - (a) Chapter 1, other than sections 50 to 52, and
 - (b) Chapter 3,subject to subsections (3) and (5) to (9).
- (3) Chapters 1 and 3 of this Part do not affect Her Majesty in her private capacity.
- (4) Subsection (3) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Part.
- (5) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in the course of carrying out exempt Crown functions.
- (6) If the operator of an airport area (“area C”) exercises overall responsibility for its management in the course of carrying out exempt Crown functions—
 - (a) section 7(2) (requirement to make market power determination) does not apply in respect of area C,
 - (b) section 14(4) (deemed application for licence where airport area becomes dominant) does not apply in relation to the operator, and
 - (c) the absence of a licence in respect of area C does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in area C or another area that forms part of the same airport.
- (7) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in an exempt Crown airport area.
- (8) The absence of a licence in respect of an exempt Crown airport area does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in another area that forms part of the same airport.

Status: This is the original version (as it was originally enacted).

- (9) A licence must not include conditions relating to services provided in an exempt Crown airport area.
- (10) For the purposes of this section, an airport area is an exempt Crown airport area if—
- (a) it consists of all or part of a small airport,
 - (b) the operator of the airport area is the Crown or a person acting on behalf of the Crown, and
 - (c) the airport area is exempted for the purposes of this section by the Secretary of State by regulations.
- (11) For the purposes of this section, an airport is a small airport during a calendar year if in the previous calendar year—
- (a) the number of passenger movements at the airport did not exceed 5 million, or
 - (b) the airport was not open to commercial traffic.
- (12) In this section—
- “exempt Crown functions” means the following functions to the extent that they are carried out by or on behalf of the Crown—
- (a) customs functions within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009,
 - (b) functions relating to immigration, asylum or nationality,
 - (c) police functions, and
 - (d) other functions exempted for the purposes of this section by the Secretary of State by regulations;
- “open to commercial traffic” and “passenger movements” have the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.